



# United States Department of the Interior

U.S. Fish and Wildlife Service  
Arizona Ecological Services Office  
2321 West Royal Palm Road, Suite 103  
Phoenix, Arizona 85021-4951  
Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE  
22410-2004-F-0161

September 12, 2012

## Memorandum

To: Program Manager, Lower Colorado River Multi-Species Conservation Program,  
Bureau of Reclamation, Boulder City, Nevada (LC-8000)

From: Field Supervisor

Subject: Acceptance of Lower Colorado River Multi-Species Conservation Program Fiscal  
Year 2011 Accomplishment Report and Consistency Review of Fiscal Year 2013  
Work Plan and Budget

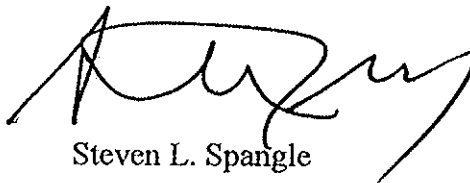
This responds to your memorandum of August 16, 2012, requesting review by the Fish and Wildlife Service (FWS) of the combined document containing the Fiscal Year 2011 Accomplishment Report and the Fiscal Year 2013 Work Plan and Budget for the Lower Colorado River Multi-Species Conservation Program (LCR MSCP). This combined document encompasses the reporting requirements of the LCR MSCP section 10(a)(1)(A) permit dated April 4, 2005, (TE-086834-0) and the biological and conference opinion dated March 4, 2005, and requirements of the Funding and Management Agreement sections 7.4.2. and 7.4.3.

The Fiscal Year 2011 Accomplishment Report details the activities undertaken by the Bureau of Reclamation (Reclamation) to implement the LCR MSCP in accordance with the section 10 permit and biological opinion. The report also lists the Federal actions and non-Federal activities included in the LCR MSCP as covered actions that were implemented during Fiscal Year 2011 covered by the LCR MSCP (October 1, 2010-September 31, 2011), including the measurement of incidental take that occurred during this period. While this listing is comprehensive, we would like to suggest an additional summary table for the changes in point of diversion covered under the 1.574 mafy total included in the section 10 permit. We suggest this only to document over time how much of the total has been transferred. It may be valuable also to summarize (perhaps every five years) the amount of other work (such as new bankline stabilization) that has specific amounts included in the program to assess implementation progress. We are open to discussions on these matters.

We have reviewed the information provided and conclude that the document meets the requirements for the annual report for the LCR MSCP under the section 10(a)(1)(A) permit and the incidental take section of the biological and conference opinion. All covered actions and activities and implementation of the Conservation Plan are suitably described and documented.

The Fiscal Year 2013 Work Plan and Budget contains the work tasks and estimated costs for LCR MSCP implementation during Fiscal Year 2013 beginning on October 1, 2012. We have reviewed the Work Plan and determined that its implementation is directly applicable to meet the conservation requirements and is consistent with the LCR MSCP section 10(a)(1)(A) permit and biological opinion.

We appreciate the positive working relationship between the FWS and Reclamation on the implementation of the LCR MSCP. The opportunity to review and contribute to the development of the Accomplishment Report and Work Plan is greatly appreciated. Thank you for your significant efforts to conserve listed and special-status species through the LCR MSCP. If there are any questions or concerns about this response, please contact Lesley Fitzpatrick at (x236) or me (x244) at (602) 242-0210.

A handwritten signature in black ink, appearing to read 'Spangle', with a stylized, sweeping flourish extending from the end.

Steven L. Spangle

cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-ES: Marty Tuegel)

## LCR MSCP Fiscal Year 2013 Funding Schedule

Annual '13 Cost                    \$34,452,540.00  
 Annual Non-Federal            \$17,226,270.00  
 Annual Federal                 \$17,226,270.00

STATE/ENTITY	Total Due	Total Cash Contributions	Habitat Maint Fund	Funding Credits	Remedial Measures Fund	Quarter 1 Due Oct 1	Quarter 2 Due Jan 3	Quarter 3 Due Apr 1	Quarter 4 Due Jul 1
Arizona	\$2,583,940.50	\$469,266.00	\$1,865,100.00		\$249,574.50	\$117,316.50	\$117,316.50	\$117,316.50	\$117,316.50
Nevada	\$5,167,881.00	\$3,053,206.50	\$1,865,100.00		\$249,574.50	\$763,301.63	\$763,301.63	\$763,301.62	\$763,301.62
California	\$9,474,448.50	\$4,187,104.16	\$3,730,200.00	\$1,057,995.34	\$499,149.00	\$1,046,776.05	\$1,046,776.05	\$1,046,776.05	\$1,046,776.01
Metropolitan	\$5,896,804.42	\$1,022,890.56							
Imperial Irrigation District	\$1,421,167.27	\$1,421,167.27	\$3,730,200.00	\$644,564.86	\$499,149.00	\$255,722.64	\$255,722.64	\$255,722.64	\$255,722.64
Cochella Valley Water District	\$775,182.15	\$775,182.15				\$355,291.82	\$355,291.82	\$355,291.82	\$355,291.81
Los Angeles Dept Water Power	\$439,269.89	\$439,269.89				\$193,795.54	\$193,795.54	\$193,795.54	\$193,795.53
San Diego County Water	\$413,430.48	\$0.00		\$413,430.48		\$109,817.47	\$109,817.47	\$109,817.47	\$109,817.48
Palo Verde Irrigation District	\$141,003.21	\$141,003.21				\$0.00	\$0.00	\$0.00	\$0.00
S. Cal Public Power Authority	\$180,875.84	\$180,875.84				\$35,250.80	\$35,250.80	\$35,250.80	\$35,250.81
Southern California Edison	\$155,036.43	\$155,036.43				\$45,218.96	\$45,218.96	\$45,218.96	\$45,218.96
Bard Water District	\$17,226.27	\$17,226.27				\$38,759.11	\$38,759.11	\$38,759.11	\$38,759.10
Colorado River Board CA	\$17,226.27	\$17,226.27				\$4,306.57	\$4,306.57	\$4,306.57	\$4,306.56
City of Needles	\$17,226.27	\$17,226.27				\$4,306.57	\$4,306.57	\$4,306.57	\$4,306.56

**Resolution 13-001**

**Five-year Monitoring and Research Priorities (2013-2017)**

**October 24, 2012**

Whereas, Reclamation developed a draft Five-year Monitoring and Research Priorities for the Lower Colorado River Multi-Species Conservation Program (2013-2017) Report and presented it at the September 26, 2012 Technical Work Group meeting;

Whereas, comments were received on the draft document at the Technical Work Group meeting and written comments were received after;

Whereas, Reclamation incorporated comments into a Final Five-year Monitoring and Research Priorities for the Lower Colorado River Multi-Species Conservation Program (2013-2017) Report; now, therefore, be it

Resolved that the Steering Committee now acknowledges the Five-year Monitoring and Research Priorities for the Lower Colorado River Multi-Species Conservation Program (2013-2017) Report as final.



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In reply refer to:

AESO/SE  
22410-2000-F-0273  
22410-2004-F-0161

August 14, 2012

8/17/12

8/21/12 A 8000

### Memorandum

To: Project Manager, Lower Colorado River Multi-Species Conservation Program,  
Bureau of Reclamation, Boulder City, Nevada (LC-8000) 12060751  
1218131

From: Field Supervisor

Subject: Amendment to Interim Surplus Criteria/Secretarial Implementation Agreement for  
California Water Plan Components Biological Opinion: Cessation of Habitat  
Monitoring Below Parker Dam, Colorado River, Arizona and California

The Arizona Ecological Services Office (AESO) received your request for our consideration to amend the requirements of our January 12, 2001, final biological opinion (FBO) for the subject project. The project included the Bureau of Reclamation's (Reclamation's) delivery of 400,000 acre-feet (af) of California's Colorado River water to a different point of delivery as part of the California Colorado River Water Use Plan (the 4.4 Plan). This 400,000 af would, under the 4.4 Plan, be diverted from the river above Parker Dam instead of below Parker Dam, thus reducing the amount of water flowing below Parker Dam downstream to Imperial Dam.

The proposed action contained four conservation measures to be completed by Reclamation intended to offset adverse effects of the implementation of the 4.4 Plan changes in points of delivery. Of relevance to your request, Conservation Measure 4 stated (in part):

"A two-tiered conservation plan has been developed to minimize potential effects to willow flycatcher habitat that could result because of reduced flows on the Colorado River between Parker and Imperial dams as water transfers and associated changes in point of delivery are implemented.

Tier 1a: The primary strategy of this tier is to use management actions to prevent changes in the existing micro-habitat and prey base of occupied willow flycatcher habitat. Reclamation will identify and monitor 372 acres of currently occupied habitat (monitored habitat) that may be affected by water transfers and changes in point of delivery of up to 400,000 af of Colorado River water between Parker and Imperial dams (water transfer actions). Soil moisture will be monitored and if levels decrease as a result of implementation of water transfer actions under consultation, management actions will be taken to maintain the monitored habitat. Initially, monitoring efforts will be at a level of effort similar to Reclamation's monitoring program under

the existing interim biological opinion for river operations and maintenance. The monitoring program will be reviewed every five years to determine whether this level of effort is appropriate to monitor effects of water transfer actions or can be reduced for the remainder of the period that water transfer actions are occurring. Monitoring will continue for up to five years after implementation of all water transfer actions unless it becomes part of a broader effort associated with recovery actions.”

Reclamation initiated funding for habitat monitoring in 2004. In 2005, implementation of habitat monitoring on the 372 acres of occupied southwestern willow flycatcher habitat was transferred to the Lower Colorado River Multi-Species Conservation Program (LCR MSCP) and has been completed each year to date and reported in the annual report.

Completion of Conservation Measures 1 through 3 and Tier 1b of Conservation Measure 4 was documented by Reclamation in a memorandum to AESO dated January 8, 2009. In that memorandum, the continuation of the habitat monitoring on 372 acres of occupied southwestern willow flycatcher habitat required under Tier 1a of measure 4 was confirmed. The AESO confirmed completion of measures 1 through 3 and Tier 1b, and the continuation of monitoring under Tier 1a via a memorandum dated May 26, 2009.

Your request to us dated July 20, 2012 concerns the required continuation of habitat monitoring under Tier 1a. To this point, only 210,000 af of the 400,000 af has been subject to a change in point of delivery to above Parker Dam, so the project envisioned in the FBO has not been completed. However, with your request you provided significant new information on the status of the southwestern willow flycatcher and what was considered “occupied” habitat in 2001 and results of six years of habitat monitoring that are relevant to the continuation of this Conservation Measure. Further, as stated in the text of the Conservation Measure, it is appropriate for us to evaluate the efficacy of this monitoring after five years. We have reviewed the background material in the FBO on the potential effects to, and the status of, the southwestern willow flycatcher with the new information provided, and reached the following conclusions.

#### *Southwestern willow flycatcher status*

At the time of the FBO, surveys were still trying to determine the breeding status of southwestern willow flycatchers in the reach of the Colorado River below Parker Dam. The subspecies was listed in 1995 and more information was needed to fully understand its behavior and nesting requirements. Annual surveys on the Colorado River were initiated in 1996 using the best available information and survey protocols available. Following these surveys, flycatcher territories were primarily detected at Lake Havasu and Bill Williams NWRs and Lake Mead NRA, but other lone territories were detected sporadically south of Hoover Dam to the Southerly International Boundary. Migrant flycatchers were regularly detected south of Parker Dam moving north along the LCR during spring. As surveys were completed and more information became available, new protocols were developed that incorporated definitions and criteria that more clearly defined when a detected southwestern willow flycatcher has established a territory. The latest such protocol was developed in 2010. As a result of implementing updated survey protocols and with additional information, these lone territories (primarily south of the Bill Williams River) have yet to be detected again.

Based on this new information, our previous conclusions on the recent presence of breeding southwestern willow flycatchers below Parker Dam are now questionable. Based on the implementation of new survey protocols and interpretation of older data, there is uncertainty whether the recent detections of flycatcher territories below Parker Dam were established flycatcher territories or rather late season migrants. Although no territories have been documented since 2010, these surveys have continued to affirm the importance of this segment of the LCR as a flycatcher migration corridor. The LCR below Parker Dam also continues to be an important area for flycatcher recovery, with a goal of establishing 150 territories. When breeding southwestern willow flycatchers are documented outside of managed LCR MSCP conservation areas below Parker Dam, we will review this conclusion.

#### *Habitat suitability for southwestern willow flycatchers*

Effects of the changes in point of delivery for water transfer actions were hypothesized to occur due to the reduction in river stage levels from the decrease in flows below Parker Dam that could affect existing groundwater levels that supported soil moisture conditions in the occupied nesting habitat. Declines in groundwater levels could, therefore, reduce the amount of moisture in the upper soil levels in those areas containing southwestern willow flycatcher habitat and degrade habitat quality. Southwestern willow flycatchers are known to select breeding areas that have higher soil moisture at the surface that acts to mitigate high temperatures and produce insects for the prey base. The monitoring program focused on temperature and humidity data loggers, soil moisture measurements, and a piezometer to measure groundwater levels at each monitoring and control site.

Information presented in your report on the results of the habitat monitoring from 2005-2011 indicates that soil moisture at the sites is more related to local and regional climatic conditions than strongly correlated with river stage and groundwater levels, due to the currently degraded baseline where the floodplains are largely disconnected from the river. Soil moisture levels did not show measurable changes as the 210,000 af of water was removed from the river above Parker Dam. Nor were changes in vegetation community at the sites documented that could be tied to the reduced river stage, although many of these sites have been degraded by other unrelated events, particularly the ongoing drought and wildfires.

Based on this new information, we conclude that the monitoring program has not documented that soil moisture, temperature and humidity, and vegetation conditions in the monitored habitat are conclusively affected by the change in river stage or groundwater levels resulting from the change in point of delivery for 210,000 af. Given the results of the monitoring, it is unlikely that any such change would be documented for the remaining 190,000 af. Continuation of the habitat monitoring program is unlikely to provide information to activate the requirement that management actions to maintain soil moisture would be implemented or, if those actions failed, to implement the additional habitat creation included under Tier 2 of Conservation Measure 4.

#### Conclusion

The new information on southwestern willow flycatcher breeding status below Parker Dam and the monitoring information on effects of reduced river stage on soil moisture in flycatcher

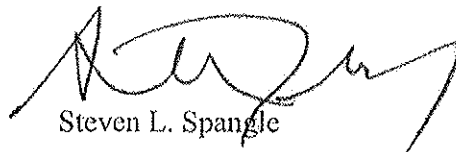
habitats along the river indicate that the potential for adverse effects from the implementation of the 4.4 Plan changes in point of delivery is less likely to occur than assumed in 2001. However, that does not mean there is no effect from the changes, only that our new understanding alters the evaluation parameters.

We do not believe it is currently necessary to continue to monitor the 372 acres for changes in soil moisture or other parameters related to the change in point of delivery for the 400,000 af of water under the 4.4 Plan. Confounding variables that have more significant effects to those parameters reduce the effectiveness of the monitoring to detect changes. Our re-assessment of how these acres are used by nesting or migrating southwestern willow flycatchers is also a factor in our decision; however, we believe these areas continue to provide benefits to migrating flycatchers for food and shelter and are also important to improve to reach recovery goals.

We have also considered the completion of Tier 1b of Conservation Measure 4 to restore and maintain 372 acres of suitable southwestern willow flycatcher nesting habitat along the Colorado River below Parker Dam as confirmed in 2009. With this habitat in place, there has been no net loss of suitable flycatcher nesting habitat due to the 4.4 Plan. Further, the implementation of the LCR MSCP requirement to create an additional 3,678 acres of southwestern willow flycatcher nesting habitat (a total of 4,050 acres) to address additional losses of existing habitat, provides a net increase in managed habitat for the species along the lower Colorado River corridor that overrides the loss of the 372 acres.

We appreciate the extensive efforts of the LCR MSCP to document effects of water transfer actions to riparian habitats along the lower Colorado River. Implementation of the LCR MSCP conservation program has, and will continue to, increase the amount and quality of riparian habitats along the river to the benefit of the southwestern willow flycatcher and other riparian obligate species. We understand that surveys for southwestern willow flycatcher will continue along the lower Colorado River, and those surveys will assist in documenting any flycatcher use of the area below Parker Dam.

Monitoring of the 372 acres of monitored habitat may cease upon receipt of this concurrence or in 2013 as appropriate to your implementation of this action. If there are any questions concerning this concurrence, please contact Lesley Fitzpatrick (602-242-0210 x236), Greg Beatty (x247), or me (x244).



Steven L. Spangle

cc: Wildlife Biologist, Fish and Wildlife Service, Phoenix, AZ (Attn: Greg Beatty)





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In reply refer to:

AESO/SE  
22410-2004-F-0161

May 29, 2012

### Memorandum

To: Program Manager, Lower Colorado River Multi-Species Conservation Plan, Bureau of Reclamation, Boulder City, Nevada (LC-8451)

From: Field Supervisor

Subject: Completion of Conservation Measure FTHL1 under the LCR MSCP for the Flat-tailed Horned Lizard, Imperial County, California

This memorandum responds to your April 27, 2012, request for Fish and Wildlife Service (FWS) concurrence with the completion of the requirement under FTHL1 to acquire, protect, and transfer 230 acres of unprotected, occupied flat-tailed horned lizard habitat to offset effects of the proposed actions covered under the LCR MSCP.

The material provided with your request documents that the Bureau of Reclamation (Reclamation) has purchased 240 acres of private land within the Bureau of Land Management's (BLM's) Yuha Basin Area of Critical Environmental Concern (Yuha ACEC) in Imperial County, California and title to these properties was transferred to the BLM. The BLM manages the public lands within the Yuha ACEC to protect resource values and habitat for native plant and animal species such as the flat-tailed horned lizard. The 240 acres is adjacent to the west Mesa portion of the Yuha Basin Flat-tailed Horned Lizard Management Area and extends protection for the species in the overall vicinity through incorporation into the Yuha ACEC.

The FWS concurs with Reclamation that the acquisition of this 240 acres and its transfer to BLM for long-term management for flat-tailed horned lizards meets the requirements of FTHL1 in the LCR MSCP. Reclamation should document the completion of this conservation action in the appropriate annual report for LCR MSCP covered activities.

We congratulate Reclamation and the other LCR MSCP partners on this accomplishment. The LCR MSCP has accomplished significant conservation benefits in the seven years since it was signed in 2005. We look forward to our continuing involvement with this important program.

If there are other questions, or we may assist in any way, please contact Ms. Lesley Fitzpatrick of my staff at (602) 242-0210 (x236) or me (x244).

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for Steven L. Spangle

cc: Chief, Nongame Branch, Arizona Game and Fish Department, Phoenix, AZ

W:\Lesley Fitzpatrick\04-261 FTHL1 completion.docx:cgg



## United States Department of the Interior

U.S. Fish and Wildlife Service

Arizona Ecological Services Office

2321 West Royal Palm Road, Suite 103

Phoenix, Arizona 85021-4951

Telephone: (602) 242-0210 Fax: (602) 242-2513



07/05/12

7/5/12 A 8000

In reply refer to:

AESO/SE

22410-2004-F-0161

July 2, 2012

### Memorandum

12060747

1218131

To: Project Manager, Lower Colorado River Multi-Species Conservation Program,  
Bureau of Reclamation, Boulder City, Nevada

From: Field Supervisor

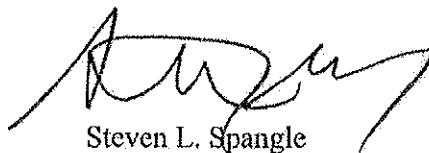
Subject: Amendment to Project for Protection of Water Levels at Topock Marsh, Havasu  
National Wildlife Refuge, Mohave County, Arizona: Final Confirmation of  
Completion of Avoidance and Minimization Measure 2

The Fish and Wildlife Service (FWS) Regional Office's National Wildlife Refuge Division and Arizona Ecological Services Office (AESO) worked with the Bureau of Reclamation's (Reclamation's) Lower Colorado River Multi-Species Conservation Program (LCR MSCP) to implement *Avoidance and Minimization Measure 2* (AMM2), a conservation responsibility for Topock Marsh to ensure that future water deliveries to the marsh are not compromised by the LCR MSCP's covered actions. Reclamation, through the LCR MSCP, has contributed, and the FWS has accepted, a total of 3.5 million dollars to fund the new Firebreak Canal and the new pump station (or another non-gravity means of supplying water) for the canal. In addition, Reclamation will hold any funds remaining of the 3.5 million dollars that remains after completion of the pump station for Havasu National Wildlife Refuge to pay utilities costs associated with operating the station until such funds are exhausted. Reclamation has provided us with the signed Interagency Agreements documenting these actions.

AESO has coordinated with Havasu National Wildlife Refuge and our Regional Office on this response. The FWS provided provisional concurrence in our memorandum to Reclamation dated January 4, 2012. With this memorandum, the FWS confirms that Reclamation and the LCR MSCP have completed all requirements contained in AMM2 of the conservation plan and no additional funding will be required under this task.

We appreciate the cooperative working relationship between us, Ms. Ashlee Rudolph and Mr. Terry Murphy of the LCR MSCP, Mr. Andrew Hautzinger of the Regional Office, and Ms. Linda Miller of the Refuge to address this comprehensive plan.

If you have any questions concerning this confirmation, please contact Lesley Fitzpatrick at 602-242-0210 (x236) or me (x244).



Steven L. Spangle

cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM

(NWRS: Tom Harvey, Andrew Hautzinger)

Complex Manager, Havasu-Bill Williams River National Wildlife Refuge Complex, Parker, AZ

Refuge Manager, Havasu National Wildlife Refuge, Needles, CA

W:\Lesley Fitzpatrick\04-261 Topock Marsh AMM2 2012 final concur.docx:egg

### **Steering Committee Schedule**

2/2013	Financial Work Group Conference Call
3/2013	Work Group Meeting Steering Committee Tour – Lake Mead Fish
4/24/13	Steering Committee Meeting
5/8-9/13	Work Group Meeting
6/26/13	Steering Committee Conference Call

### **Related Conferences**

12/12-14/12	Colorado River Water Users (CRWUA) Annual Conference Las Vegas, NV
1/9-10/13	Colorado River Aquatic Biologists (CRAB) Meeting Laughlin, NV
1/29-31/13	Colorado River Terrestrial and Riparian (CRTR) Meeting Laughlin, NV